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September 22, 2005

FACSIMILE TRANSMISSION SHEET

TO MS Amendment
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FAX NO. (571) 273-8300

FROM: Michael Muczynski

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MESSAGE:

Serial No.: 10/705,660
Confirmation: 6143
Applicants: Bowersock et al.
Filed: November 10, 2003
Title: METHOD OF VACCINATING VERTEBRATES
Art Unit: 1644
Examiner: KIM, Yunsoo
Atty Docket: 28341/6127NDIUS
Customer No.: 04743

Enclosed is a copy of a Response to Official Action (Election of Species Requirement) (2 pages).

Please contact Jen at (312) 474-6805 if you do not receive all of the pages in good condition.

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SEP 22 2005

Serial No. 10/705,660

Atty. Docket 28341/6127ND1US


(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/705,660)
Confirmation : 6143) Date of Deposit:
September 22, 2005

Applicants : Bowersock et al.) I hereby certify that this paper and all
Filed : November 10, 2003) documents referred to herein as being
enclosed are being transmitted to the
Title: METHOD OF VACCINATING) United States Patent and Trademark
VERTEBRATES) Office, via facsimile to:
Mail Stop Amendment
Art Unit : 1644) facsimile number (571) 273-8300.
Examiner : KIM, Yunsoo)

Atty Docket : 28341/6127ND1US)
Customer No. : 04743)



Michael Muczynski

RESPONSE TO OFFICIAL ACTION (ELECTION OF SPECIES REQUIREMENT)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the official action (election of species requirement) dated July 22, 2005, the applicants hereby,

(i) elect methylcellulose as a species of cellulose ether -- all claims 1-34 and 43-78 read on the elected species;

(ii) elect polyoxyethylene surfactants as a species of non-ionic surfactant, and polyoxyethylene (alcohol ethoxylates) as an ultimate species;—claims 1-6, 9-34, 43-49, and 52-78 read on the elected species of non-ionic surfactant, and claims 1-6, 11-30, 43-49, 54-73, and 78 read on the ultimate species;

(iii) elect, with traverse, zinc as a species of cation -- all claims 1-34 and 43-78 read on the elected species; and

(iv) elect, with traverse, heat-labile toxin of *E. coli* as a species of adjuvant -- all claims 1-34 and 43-78 read on the elected species.

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Serial No. 10/705,660

Atty. Docket 28341/6127ND1US

The election of species requirement as to (iii) cation is traversed, as the claim recites performing the crosslinking step "with at least two cations" selected from the recited group. It is respectfully submitted that there can be no serious burden on the examiner in search and examination of the entire claim, because selection of one species still requires consideration of each of the other cations by virtue of the claim's recitation of "at least two cations" selected from the recited group. Therefore, the applicant respectfully requests that the election of species requirement as to (iii) cation be withdrawn upon reconsideration.

The election of species requirement as to (iv) adjuvant is traversed, on the basis that the members of the Markush group are sufficiently few in number and/or so closely related that a search and examination of the entire claims can be made without serious burden. Therefore, the applicant respectfully requests that the election of species requirement as to (iv) adjuvant be withdrawn upon reconsideration.

Applicants hereby petition for an extension of time for response in the first month, and authorize the Commissioner to charge \$120 to cover the requisite fee under 37 C.F.R. §§ 1.17(a), and any additional fee due in connection with this response, to Deposit Account No. 13-2855, under order 28341/6127ND1US. Please update your records to reflect our new attorney reference number, above.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to telephone the undersigned attorney at the indicated number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: 

Michael Muczynski

Reg. No. 48,642

Attorney for Applicants

September 22, 2005

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